

# Exhibit A

Re\_Brighton\_Genworth's Proposed Discovery "Milestone" Schedule

**From:** [Gennardo, Patrick](#)  
**To:** [Andy Friedman](#)  
**Cc:** [Lora Krsulich](#); [Steven Sklaver](#); [Jonathan Ross](#); [Seth Ard](#); [Ellen Marcus](#); [Kathleen Holmes](#); [Ryan Kirkpatrick](#); [Frank Balint](#); [Evans, Tom](#); [Higgins, William](#); [Huang, Kathy](#); [Tuck, Andy](#); [Brian E. Pumphrey](#); [Steven G. Popp](#)  
**Subject:** Re: Brighton: Genworth's Proposed Discovery "Milestone" Schedule  
**Date:** Friday, September 25, 2020 6:30:28 AM

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Andy,

Very nice to meet you as well. As I am sure you are aware (and I suspect the reason behind your question), GLIC is not a defendant to the action and none of the purported class representatives own policies issued by GLIC. As such, we do not consider GLIC policies to be "in scope."

Having said that, and on plaintiffs' representation that they intend to (1) add GLIC as a party and (2) name a purported class representative owning a GLIC issued policy, we will commit to substantially producing GLIC related policy information within our proposed discovery milestones, if, and when, Plaintiffs so amend their complaint so as to bring GLIC within scope.

In other words, we will gather GLIC policy information when gathering information that is otherwise in scope so that the GLIC information can be produced promptly once GLIC is properly in scope, but will not produce such information until that time under our current proposed discovery milestones schedule.

Best,

Patrick

Sent from my iPhone

On Sep 24, 2020, at 2:57 PM, Andy Friedman <[afriedman@bffb.com](mailto:afriedman@bffb.com)> wrote:

EXTERNAL SENDER – Proceed with caution

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Thank you.

Patrick, nice to meet you (so to speak). Can you confirm that the in-scope policies include FC Gold I & II (issued by First Colony & ultimately assumed by GLAIC) and GE Gold I & II (issued by GE & ultimately assumed by GLIC, GLAIC's parent company) and that the responsive documents will be produced for each of these products?

Thanks  
Andy

Andrew S. Friedman

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On 9/24/20, 11:46 AM, "Lora Krsulich" <[LKrsulich@susmangodfrey.com](mailto:LKrsulich@susmangodfrey.com)> wrote:

Counsel,

Please find attached Plaintiffs' proposed revisions to GLAIC's proposed case and discovery milestone schedule.

Best,  
Lora

-----Original Message-----

From: Gennardo, Patrick <Patrick.Gennardo@alston.com>

Sent: Wednesday, September 23, 2020 10:40 AM

To: Steven Sklaver <ssklaver@SusmanGodfrey.com>; Jonathan Ross <JROSS@SusmanGodfrey.com>; Seth Ard <sard@susmangodfrey.com>; Ellen Marcus <emarcus@hcmlawva.com>; Kathleen Holmes <KHolmes@hcmlawva.com>; Lora Krsulich <LKrsulich@susmangodfrey.com>; Ryan Kirkpatrick <RKirkpatrick@susmangodfrey.com>; Andy Friedman <afriedman@bffb.com>; Frank Balint <fbalint@bffb.com>  
Cc: Evans, Tom <Tom.Evans@alston.com>; Higgins, William <William.Higgins@alston.com>; Huang, Kathy <Kathy.Huang@alston.com>; Tuck, Andy <Andy.Tuck@alston.com>; Brian E. Pumphrey <bpumphrey@mcguirewoods.com>; Steven G. Popps <SPopps@mcguirewoods.com>

Subject: Brighton: Genworth's Proposed Discovery "Milestone" Schedule

Counsel:

We have considered the categories of "priority" documents, as we understand them, based on the categories of documents that you identified during our conference call last week. We understand the concept to be that those are the documents plaintiffs will need sooner rather than later to facilitate the filing of a motion for class certification, subject to the deadlines the parties anticipate being imposed by the Court in this matter.

The following table indicates the dates by which GLAIC anticipates being able to produce the documents within each such category. Any production by GLAIC is subject to the Court's prior entry of a protective order and ESI protocol.

Document Category Requested by Plaintiffs

GLAIC's Proposed Substantial Completion Deadline

1. Policy forms on which Gold policies were issued

GLAIC will produce its submissions of the Gold product policy forms to state regulators as found in its hard copy files by October 16, 2020. To the extent applicable riders and endorsements are not captured in the files, GLAIC will produce those documents at a later date.

2. Policy counts

GLAIC will provide policy counts as evidenced by extracts from its systems as of the date policy data were collected for purposes of the rate redetermination analysis by October 16, 2020.

3. Communications to state regulators regarding the COI rate adjustment

October 16, 2020

4. ALFA models used to determine the adjusted scales of COI rates

October 16, 2020, subject to consent from Milliman to provide the ALFA models we understand were used and allow each party to use its software.

5. Determination policy

GLAIC will produce its responses to interrogatories regarding non-guaranteed elements as submitted to regulators for the past six years by November 6, 2020.

6. COI rates

By November 13, 2020, GLAIC will produce information sufficient to determine the pre- and post-adjustment COI rates for each insured under a Subject Policy.

7. Gold product memoranda

By November 13, 2020, GLAIC will produce memoranda prepared in connection with the approval and launch of the Gold product that set out product features and assumptions, that GLAIC is able to locate by that date. To the extent GLAIC is not able to locate, by that date, all documents responsive to this request, GLAIC will supplement its production with any additional materials it locates following additional searches and would expect to complete that production by January 15, 2021.

8. Rate adjustment analysis

By November 20, 2020, GLAIC will make a production of such memoranda/communications relating to the COI rate adjustment as it is able to locate by November 13, 2020. The search will not include electronic searches of emails and attachments. Thereafter, GLAIC will produce such documents on a rolling basis and expects the production of such documents, excluding emails and attachments, to be substantially completed by January 15, 2021.

9. Reinsurance documents

GLAIC will produce requested communications with its reinsurers regarding the rate adjustment by November 20, 2020.

10. Mortality assumptions and changes

It is expected that the pricing assumptions and those used in the determination of adjusted scales in 2019 will be contained in the product memoranda and ALFA models referenced above. Other documents containing assumptions applied with respect to the products at issue that can be located through a proportional search will be produced by January 29, 2021.

#### 11. Policy Data

GLAIC has some flexibility on this date and believes you will want the data as of a date after January 1, 2021. If that is correct, GLAIC would propose providing policy data as of September 30, 2017, the baseline for the rate adjustment analysis, until the end of 2020, including the basic information like issue date, insured's rate class, specified amount, account value as of September 30, 2017, and death benefit option, as well as transactional data such as premiums received, interest added to the account, deductions from the account, and loan accounting (everything needed to bring the account value forward to 12/31/2020), as well as about deaths, surrenders, and lapses. GLAIC proposes providing that data by February 1, 2021.

Please note that the table does not include any dates relating to the production of email communications and other electronically stored information that may fall within such categories that may be located through an electronic search.

We only just received plaintiffs' list of proposed search terms, and the schedule for production of emails and other ESI will depend heavily on cooperation from plaintiffs in narrowing the set of emails, attachments and other ESI to be reviewed and produced to a reasonable number.

GLAIC will be in a better position to provide a reasonable timeframe for the production of emails and other ESI after the parties agree on search terms and the size of the potential review set can be determined.

I look forward to your thoughts concerning the same.

Best,

Patrick Gennardo

Sent from my iPhone

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